

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 UNITED STATES OF AMERICA, )  
10 Plaintiff, )  
11 v. )  
12 OSIRIS HERNANDEZ-OLVERA, )  
13 Defendant. )  
14 )

CASE NO. CR07-262-MJP

DETENTION ORDER

15 Offense charged:

16 Count I: Conspiracy to Distribute Methamphetamine, in violation of Title 21,  
17 United States Code, Sections 841(a)(1), 841(b)(1)(A) and 846.

18 Date of Detention Hearing: July 24, 2007

19 The Court, having conducted a uncontested detention hearing pursuant to Title 18  
20 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention  
21 hereafter set forth, finds that no condition or combination of conditions which the defendant  
22 can meet will reasonably assure the appearance of the defendant as required and the safety  
23 of any other person and the community. The Government was represented by Sarah Vogel.  
24 The defendant was represented by Justin Alt for Michele Shaw.

25 //  
26

1                    FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

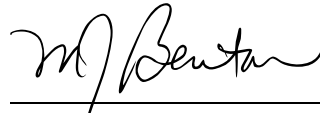
- 2                    (1)     There is probable cause to believe the defendant committed the  
3                                conspiracy drug offense. The maximum penalty is in excess of ten years.  
4                                There is therefore a rebuttable presumption against the defendant's  
5                                release based upon both dangerousness and flight risk under Title 18  
6                                U.S.C. § 3142(e).
- 7                    (2)     Nothing in this record satisfactorily rebuts the presumption against  
8                                release for several reasons:
- 9                                (a)     The defendant presents a risk of nonappearance due to the  
10                                following: He is a citizen and national of Mexico; his background  
11                                and ties to the Western District of Washington are  
12                                unknown/unverified; and the Bureau of Immigration and Customs  
13                                Enforcement has filed a detainer;
- 14                                (b)     The defendant stipulates to detention at this time.

15                    **It is therefore ORDERED:**

- 16                    (1)     The defendant shall be detained pending trial and committed to the custody of  
17                                the Attorney General for confinement in a correction facility separate, to the  
18                                extent practicable, from persons awaiting or serving sentences or being held in  
19                                custody pending appeal;
- 20                    (2)     The defendant shall be afforded reasonable opportunity for private consultation  
21                                with counsel;
- 22                    (3)     On order of a court of the United States or on request of an attorney for the  
23                                Government, the person in charge of the corrections facility in which the  
24                                defendant is confined shall deliver the defendant to a United States Marshal for  
25                                the purpose of an appearance in connection with a court proceeding; and
- 26                    (4)     The clerk shall direct copies of this order to counsel for the United States, to

counsel for the defendant, to the United States Marshal, and to the United  
States Pretrial Services Officer.

DATED this 25<sup>th</sup> day of July, 2007.



MONICA J. BENTON  
United States Magistrate Judge